

CNR : MHYA07-000031-1990

R.C.S. No.65/1990
M/s. Mahavir Enterprizes-Vs-
Pravinchand Gherwara

ORDER BELOW EXH.190

(Passed on 3rd August, 2018)

1 Plaintiff Dinesh Kothari moved application below Exh.190 and prayed for adjournment of this suit. He submitted that his advocate Oswal's health is not good enough to attend the proceedings. This application is opposed by advocate Mr. Imran Deshmukh for the defendant.

2 I have heard the plaintiff as well as advocate Mr. Imran Deshmukh.

3 This suit has been pending since the year 1990. The Hon'ble High Court in the Inspection Note as well as from time to time directed this Court to dispose of the old cases on priority basis. Both the parties and their respective advocates are aware about these directions. However, still both the parties and their advocate thought it fit to keep pending this suit. The record shows that on 28th January, 1991 issues were framed. The issues were re-casted on 25th August, 1994 and one additional issue was framed on 18th November, 2006. Plaintiff filed his evidence by way of affidavit on 10th April, 2007. His further examination-in-chief was recorded on 22nd September, 2008. And since then this suit has been pending for further examination of plaintiff. Thus record itself shows that more than sufficient opportunity has been given to the plaintiff to lead evidence

in this case. I am of the firm opinion that plaintiff is no more interested for leading evidence in this case. It is for this reason today's adjournment is not justified. Hence application below Exh.190 is hereby rejected.

(Ketankumar Telgaonkar)
Joint Civil Judge (Jr. Dn.),
Darwha.

Dt/-03/08/2018